

AMENDATORY SECTION (Amending WSR 01-21-072, filed 10/18/01, effective 11/18/01)

WAC 308-93-010 Definitions. The following definitions apply to the rules in this chapter:

- (1) "Bare boat" means a vessel rented without a captain or crew.
- (2) "Carpenter certificate" means a certificate issued by a manufacturer describing the vessel and certifying the first conveyance of the vessel after its manufacture.
- (3) "Certificate of ownership" means the ownership document issued by the department or other jurisdiction, sometimes referred to as a title.
- (4) "Charter vessel" means a vessel rented with a crew.
- (5) "Commercial fishing vessel" means a vessel primarily used for commercial or charter fishing.
- (6) "Conveyance" means transfer of title of a vessel from one person to another.
- (7) "Declaration of value form" means the department of licensing form used to declare the value for purposes of assessing excise tax when a vessel is acquired by lease, trade, gift, is homemade, or the most recent purchase price is not known.
- (8) "Director" means the director of the department of licensing.
- (9) "Display permit" means the document issued by the department, its agents or subagents, for display on the vessel for which it was issued under the authority of WAC 308-93-055 or 308-93-056.
- (10) "Docking hull" means vessels that are powered by one or more personal watercrafts and are designed for use with personal watercraft.
- (11) "Documented vessel" means a vessel that is documented by the United States Coast Guard and is issued a valid marine certificate.
- (12) "Exclusively" means solely and without exception.
- (13) "Foreign vessel" means a vessel registered in accordance with the laws of another state or jurisdiction. Also referred to as "out-of-country."
- (14) "Houseboat" means any vessel as defined in RCW 88.02.010(1). For registration and certificate of ownership purposes, a houseboat does not include any building on a float used in whole or in part for human habitation as a single-family dwelling which is not powered by self-propulsion by mechanical means or wind.
- (15) "Identification documents" means the vessel registration receipt and display permit issued under the authority of WAC 308-93-055 or 308-93-056.
- (16) "Issuing authority" means the ~~((Coast Guard where a))~~ number system has not been approved by the Coast Guard or it is a state or other jurisdiction that has a vessel identification numbering system approved by the Coast Guard. (Also see definition for out of country vessel.)
- (17) "Legal owner/secured party" means a person ~~((or))~~, business, or institution having a security interest in a vessel perfected in accordance with RCW 88.02.070.
- (18) "Lifeboat" means watercraft used exclusively for lifesaving purposes.
- (19) "Manufacturer's certificate of origin" (MCO) or "Manufacturer's statement of origin" (MSO) means a certificate issued by a manufacturer describing the vessel and certifying the first conveyance of the vessel after manufacture.
- (20) "Out-of-country vessel" means a vessel registered or numbered by

the laws of another country or has a valid United States Customs Service Cruising License.

(21) "Overall length" means a straight-line measurement of the overall distance from the foremost point of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bowsprits, bumpkins or boomkins, rudders, outboard motor brackets, outdrive units, propellers, and similar fittings or attachments are not included in the measurement.

(22) "Paperless title" means electronic ownership record.

(23) "Person" includes every natural person, firm, copartnership, corporation, association or organization.

(24) "Personal watercraft" for the purpose of this rule has the same meaning as in RCW 79A.60.010, such as Jet Ski or Wet Bike.

(25) "Primarily" means the principal purpose for which a vessel is used when considered in conjunction with all of its uses.

(26) "Principal use" means when a vessel is used on waters of this state for one hundred eighty-three days or more.

(27) "Propulsion machinery/mechanical power" means any device providing motion to a vessel through such means as combustion, steam, or electric machinery.

(28) "Release of interest" means the act of signing over any ownership in a vessel. A notarized or certified release of interest is also a document relinquishing interest in a vessel.

(29) "Renewal notice" and "special mailer" means the notice to renew a vessel registration mailed by the department to the owner.

(30) "Tender" means watercraft used exclusively to furnish transportation from a larger vessel to shore and return.

(31) "Time share charters" means leased vessels where none of the parties leasing the vessel under a "time share" option agreement is acquiring an equity in the vessel and there is no option to buy.

(32) "United States Customs Service Cruising License" means an annual certificate issued by U.S. Customs Service under 19 C.F.R. Sec. 4.94, which exempts pleasure boats from certain countries from formal entry and clearance procedures, from payment of tonnage tax and clearance fees at all but the first port of entry.

(33) "Use of waters" means to navigate, operate, employ, or moor any vessel upon the waters.

(34) "Valid marine document" means a document issued by the Coast Guard which declares it to be a United States documented vessel.

(35) "Vessel data form" means the form, approved by the department, completed by the applicant describing the vessel.

(36) "Waters of this state" means any waters within the territorial limits of this state as defined in U.S. Code: Title 43, Section 1312.

AMENDATORY SECTION (Amending WSR 01-03-128, filed 1/23/01, effective 2/23/01)

WAC 308-93-030 Vessels subject to excise tax, registration and titling exemptions. (1) What vessels are subject to excise tax(, registration and titling)? All vessels sixteen feet and over with mechanical power or sails are subject to excise tax unless specifically exempt under chapter((s 88.02 and)) 82.49 RCW((, all vessels sixteen feet or longer equipped with propulsion machinery or sails, are subject to excise tax, registration and titling, including the following:)) and vessels owned by Indian tribes and tribal members as provided in WAC 308-93-700 through 308-93-770.

(2) What vessels are subject to registration? Most vessels are subject

to registration under chapter 88.02 RCW, including the following:

- ~~((1))~~ (a) Amphibious vessels (vehicles);
- ~~((2))~~ (b) Docking hulls;
- ~~((3))~~ (c) Houseboats;
- ~~((4))~~ (d) Inflatable vessels with motors;
- ~~((5))~~ (e) Sailboats (sixteen feet or longer);
- (f) Personal watercraft (Jet Ski, ~~((wet bike))~~ Sea-Doo, AquaTrax, Wave Runner, etc.);
- ~~((6))~~ (())
- (())(g) Documented pleasure vessels.

(3) What do I do with the vessel registration identification document?

The vessel registration document must be:

- (a) Carried on board the vessel whenever on the waters;
- (b) Made available to any law enforcement officer on request.

(4) What vessels are exempt from registration? Vessels exempted from registration under RCW 88.02.030, include but are not limited to, the following:

- (a) Vessels under sixteen feet in overall length are:
 - (i) Powered by ten horsepower or less; and
 - (ii) Used on waters where there is no federal jurisdiction.
 - (b) Sailboats under sixteen feet;
 - (c) Ship's tender when properly identified as a tender to the parent vessel; and
 - (i) Is used only for direct transportation from ship to shore; and
 - (ii) Is less than ten horsepower.
 - (d) Vessels powered by human power, such as canoes, kayaks, and rowboats.
 - (e) Documented charter vessels, including, bare boat and time share charters.
- (5) What vessels are subject to titling?** All vessels subject to registration are issued a title, except the following:
- (a) Vessel documented by the United States Coast Guard;
 - (b) Owner is unable to provide proof of ownership;
 - (c) Out-of-state title is being held by a lien holder (bank, credit union, etc.).

AMENDATORY SECTION (Amending WSR 01-03-128, filed 1/23/01, effective 2/23/01)

WAC 308-93-055 ~~((Foreign))~~ Vessels from out-of-state operating in this state--Identification document required. (1) **What documentation must be carried aboard a ~~((foreign))~~ vessel from another state or out-of-country when being operated upon the waters of this state?** The current foreign vessel registration is valid for the first sixty days of operation. In addition the following must apply:

(a) The ~~((foreign))~~ vessel must have been issued a valid number under federal law or by an approved issuing authority of the state of principal operation, if the vessel is remaining in this state for personal use or enjoyment.

(b) On or before the sixty-first day of use, the foreign vessel owner must obtain a vessel sixty-day temporary identification document issued by the department, its agents or subagents.

(c) A second ~~((vessel))~~ sixty-day temporary identification document must be purchased on or before the one hundred twenty-first day of use in this state.

(2) **What must I provide to obtain a vessel sixty-day temporary identification document?** (~~((You must provide the following:))~~)

(a) Proof of nonresidency by showing the vessel owner's out-of-state driver's license or out-of-state photo identification;

(b) A copy of the current foreign vessel registration or current United States Coast Guard certificate of documentation;

(c) Date the vessel first came into the state;

(d) A nonrefundable fee of twenty-five dollars plus a filing fee and subagent fee, if applicable, per vessel sixty-day temporary identification document.

(3) **How many vessel sixty-day temporary identification documents may be obtained?** Not more than two (~~((vessel sixty day temporary identification documents))~~) may be obtained in any continuous twelve-month period for any single vessel. The twelve months begins on the date the vessel first entered this state.

(4) **How do I display the vessel sixty-day temporary identification document?** (~~((The vessel sixty day temporary identification document must be:))~~)

(a) Kept aboard (~~((the vessel))~~) at all times when moored and during operation;

(b) Displayed in the windshield, side window, cockpit or operation area of the vessel, so that it is visible to law enforcement from either the dock or from the water;

(c) Protected from the weather.

(5) **If the vessel owner is not available, how do I obtain a vessel sixty-day temporary identification document?** (~~((If the vessel owner is not available,))~~) The person applying for the vessel sixty-day temporary identification document must have a:

(a) Notarized/certified power of attorney from a registered owner of the vessel;

(b) Copy of the vessel owner's out-of-state driver's license or photo identification; and

(c) Copy of the (~~((foreign vessel))~~) out-of-state or out-of-country registration certificate.

AMENDATORY SECTION (Amending WSR 01-08-021, filed 3/27/01, effective 4/27/01)

WAC 308-93-070 Application for certificate of ownership/registration.

(1) **When am I required to register my vessel in Washington?** Current (~~((foreign))~~) out-of-state or out-of-country registration will be recognized for a period of sixty days. On or before the sixty-first day, if Washington is to be the principal state of use, you must apply for a Washington state certificate of ownership and/or registration.

(2) **What information must be supplied on an application to obtain a Washington vessel certificate of ownership and/or registration?** Vessel owners applying for certificate of ownership and/or registration of a vessel must submit an application, which includes:

(a) Expiration date of the certificate of registration;

(b) The name of each owner of the vessel and if the vessel is subject to security interest, the name of each secured party;

(c) The department-assigned customer account number for each owner of the vessel including secured parties if available;

(d) The address (~~((at which))~~) that one of the owners regularly receives mail;

- (e) The mailing address of the first secured party;
- (f) The Washington registration number as assigned;
- (g) Make and model year;
- (h) Length of vessel;
- (i) Type of power (gasoline, diesel, etc.);
- (j) Primary use (commercial, pleasure, etc.);
- (k) Primary method of propulsion (inboard, sail, etc.);
- (l) Type of vessel (runabout, cabin, etc.);
- (m) Primary vessel construction (fiberglass, wood, etc.);
- (n) County of moorage;
- (o) Hull identification number, if one has been assigned;
- (p) Latest purchase price and purchase year or, if the vessel was not acquired by purchase, a declaration of value and year of declaration;
- (q) The signature of at least one of the owners.

For the purposes of this section, purchase price or declared value includes the vessel, vessel motor, or engine, and all other equipment and accessories, excluding a boat trailer, purchased or acquired in a single transaction;

~~((a))~~ (r) United States Coast Guard document number, if applicable.

(3) If my vessel is homemade, what information must be supplied on an application for Washington certificate of ownership? In addition to the information listed above in subsection (2) of this section, upon original application for certificate of ownership and/or registration of a homemade vessel, the owner shall complete and sign a declaration of value form. The owner's signature must be notarized/certified in accordance with WAC 308-93-470.

AMENDATORY SECTION (Amending WSR 01-03-128, filed 1/23/01, effective 2/23/01)

WAC 308-93-090 Leased or rented vessels. (1) What is the difference between leased and rented vessels? For the purposes of this section a vessel is considered leased if the lease agreement is for a period of one year or more or there is an option to purchase. A vessel is considered rented if the rental agreement is for a period of less than one year and there is no option to purchase in the rental agreement.

(2) When must leased or rented vessels, used on Washington waters, be titled and registered or required to obtain an identification document? ~~((A leased or rented vessel, used on Washington waters, must be titled and registered or have an identification document under the following circumstances.))~~ If the vessel is:

(a) Registered out-of-state or out-of-country and leased or rented, and used upon Washington waters, the owner of the vessel must purchase a permanent identification document from the department, issued to the vessel, on or before the sixty-first day of use as provided in RCW 88.02.030(3). If the vessel owner is not available, the person(s) applying for the identification document shall have notarized/certified power of attorney from a registered owner of the vessel authorizing him/her to purchase the permanent identification document and a copy of the valid registration issued by a country other than the United States or a United States Customs Service Cruising License.

(b) Registered in ~~((a foreign jurisdiction))~~ another state or country and leased or rented by a nonresident individual, and used upon Washington waters, the owner must purchase a Vessel Sixty Day Temporary Identification Document on or before the sixty-first day of use as provided in RCW

88.02.030(11). ~~((Not))~~ No more than two identification documents may be purchased in any twelve continuous months. If the vessel owner is not available, the person(s) applying for the identification document must have notarized/certified power of attorney from a registered owner of the vessel authorizing him/her to purchase the identification document. If the vessel is used upon Washington waters for more than one hundred and eighty days, it must be titled and registered in this state or removed from the waters of this state.

(c) Registered in ~~((a foreign jurisdiction))~~ another country or another state and leased or rented by a Washington resident, and used upon Washington waters, the following apply:

(i) If the ~~((vessel is leased))~~ lease is for one year or more or there is an option to buy on either the rental or lease agreement, the Washington resident must register the vessel in his or her name on or before the sixty-first day of use upon Washington waters.

(ii) If the vessel is rented for less than one year, it must be registered in the name of the owner, (not the operator) on or before the sixty-first day of use upon Washington waters. Any secured party is shown as the legal owner on the certificate of ownership.

(3) **Whose name must be shown on the application for certificate of ownership and registration when the vessel is rented?** ~~((Rented vessels are titled and registered in))~~ The name of the owner, not the operator. Any secured party is shown as legal owner on the certificate of ownership.

(4) **What documents must a Washington resident carry with them when they lease or rent a Washington registered vessel and operate the vessel on Washington waters?**

~~((a))~~ ~~((When the vessel is less than twenty six feet in length and leased or rented for less than seven days, the following documents must be carried on the vessel:))~~

~~((i))~~ A copy of the lease or rental agreement signed by the owner or his authorized representative and by the person leasing or renting the vessel which must contain the vessel registration number, the period of time for which the vessel is leased or rented and the hull identification number; and

~~((ii))~~ (b) A copy of the current registration certificate.

~~((b))~~ ~~((When the vessel is less than twenty six feet in length and leased or rented for seven days or more, the following documents must be carried on the vessel:))~~

~~((i))~~ A copy of the lease or rental agreement signed by the owner or his authorized representative and by the person leasing or renting the vessel which must contain the vessel registration number, the period of time for which the vessel is leased or rented and the hull identification number; and

~~((ii))~~ The original current registration certificate.

~~((c))~~ When the vessel is twenty six feet or more and is leased or rented, the following documents are required to be carried on the vessel:

~~((i))~~ A copy of the lease or rental agreement signed by the owner or his authorized representative and by the person leasing or renting the vessel which shall contain at least the vessel registration number, the period of time for which the vessel is leased or rented and the hull identification number; and

~~((ii))~~ The original current registration certificate.))

(5) **Does a vessel owner need to surrender an out-of-state certificate of ownership to the department when they register a leased vessel in Washington?** Depending on the following situations:

(a) If there is a secured party on the out-of-state certificate of ownership and lessee and lessor designations are shown as required by Washington state law or rule, the certificate of ownership need not be surrendered. Only a certificate of registration will be issued; a Washington certificate of ownership will not.

(b) If the out-of-state certificate of ownership does not show a

secured party or is not in name agreement or does not show lessee and lessor designations as required by Washington law or rule, the out-of-state certificate of ownership shall be surrendered and a Washington certificate of ownership will be issued to the lessor/legal owner.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-93-050

Vessels exempted from registration,
excise tax and titling.